

BILL ANALYSIS

H.B. 927
By: Harper-Brown
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, an indecent exposure offense is a Class B misdemeanor, which is punishable by confinement in jail for a term not to exceed 180 days or a maximum fine of \$2,000 or both confinement and the fine. There are numerous sex offenders with multiple indecent exposure arrests and convictions and many show no sign of stopping this behavior. Interested parties contend that the state jail felony punishment of confinement in a state jail for a term of not more than two years or less than 180 days or a maximum fine of \$10,000 is more appropriate for these repeat offenders. H.B. 927 would enhance the penalty for indecent exposure from a Class B misdemeanor to a state jail felony upon the third conviction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 927 amends the Penal Code to enhance the penalty for indecent exposure from a Class B misdemeanor to a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of such an offense. The bill specifies that, for purposes of the enhancement, a defendant has been previously convicted if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

EFFECTIVE DATE

September 1, 2011.